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15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 MENDELSON, FELIX, as trustee for THE
19 SHTAIMAN FAMILY TRUST,

20 Plaintiff,

21 vs.

22 COUNTY OF SAN MATEO,

23 Defendant

24 Case No. 20-cv-05696-AGT

25 **DEFENDANT SAN MATEO COUNTY'S
26 SUPPLEMENTAL BRIEF REGARDING
27 POTENTIAL STAY**

28 **THE HONORABLE ALEX G. TSE**

Defendant County of San Mateo (the County) supports a stay of further proceedings in this case, until the Ninth Circuit decides in *Ralston v. County of San Mateo*, 21-16489. The Ninth Circuit’s decision in *Ralston* will not necessarily bind the Court in this matter because there are notable factual differences between the two cases. However, it is likely that the Ninth Circuit’s decision could inform the Court’s analysis of the issues presented here in the County’s Motion to Dismiss.

When deciding whether to stay proceedings until another case is resolved, the court must weigh competing interests, including the potential damage that may result from a stay, any hardship to the parties in requiring the case to go forward, and “the orderly course of justice measured in terms of the simplifying or complicating of issues, proof, and questions of law which could be expected to result from a stay.” *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005). Here, balancing these interests weighs in favor of a stay. The County is not aware of any significant damage to either party that would result from delaying the proceedings a few months, pending a decision in *Ralston*. On the contrary, requiring the parties to go forward now, when *Ralston* might be instructive if not dispositive, could result in wasted time and resources spent on unnecessary litigation. Staying the proceedings in this case until the Ninth Circuit issues its decision is likely to benefit both parties and the Court.

For the reasons stated above, the County supports a stay pending a decision in *Ralston*.

Dated: March 14, 2022

Respectfully submitted,

JOHN C. BEIERS, COUNTY COUNSEL

By: /s/ Lauren F. Carroll

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